IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Madhusudan Sharma Vs. State of Rajasthan & Anr.

S.B.CIVIL WRIT PETITION NO.3372/2007

DATE OF ORDER :: May 30, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Arjun Purohit, for the petitioner.

BY THE COURT:

By the instant writ petition, under Article 226 of the Constitution of India, the petitioner seeks directions to the respondents to consider his candidature for the purpose of direct recruitment to the post of Sub Inspector Police while giving him age relaxation in upper age under the provisions of Rule 10(1) of the Rajasthan Police Subordinate Service Rules, 1989 (for short `the Rules, 1989' hereinafter) and to determine year-wise vacancy.

I have heard learned counsel for the petitioner.

The respondents advertised the post of Sub Inspector Police for Combined Competitive Examination, 2007 vide advertisement Annexure-2 dt. 9.4.2007 prescribing the age that a candidate, who applies for the said post, should have attained the age of 20 years as on 1.1.2008 and should not have attained the age of 25 years.

It is contended by the learned counsel for the petitioner that earlier to the advertisement Annexure-2 dt. 9.4.2007, the respondents advertised the post of Sub Inspector vide Annexure-1 dt. 5.11.2001 and, thereafter, the respondents neither determined the year-wise vacancies nor advertised the same and, therefore, the petitioner claims age relaxation for the period from 2002 to 2006.

In support of the averments made in the writ petition, the petitioner filed an affidavit stating therein his age about 33 years. Vide Annexure-2, the age limit as on 1.1.2008 is 25 years meaning thereby the candidate, who applies for the said post, should not have attained the age of 25 years as on 1.1.2008. Even assuming that for five years, the respondents neither determined the vacancies nor advertised the same, adding five

years to the age prescribed, the maximum age could be that the candidate should not attain the age of 30 years as on 01.1.2008.

In the instant case, the petitioner, according to his own affidavit, has attained the age of 33 years.

So far as relaxation in the age as advertised by Annexure-2 is concerned, there are the categories for which the age relaxation has been provided viz. Members of Scheduled Caste; Scheduled Tribes; Other Backward Class; Female of General Class; Female of SC/ST and Other Backward Class and 3 years' age relaxation to the employees, who have been serving in the State Government and the dependents of those Government employees, who died while in service; Ex-serviceman and; Released Emergency Commission Officer Etc. At any rate, the petitioner has not come with a case that he falls in any of the categories claiming age relaxation. In whole of the writ petition, the petitioner has nowhere averred that he falls in any of the categories for which age relaxation has been provided.

In the circumstances, therefore, even otherwise, had the vacancies been determined for the preceding years, the petitioner has already become overage.

In this view of the matter, I do not find any merit in the writ petition. The writ petition is, therefore, dismissed summarily. There shall be no order as to costs.

[H.R.PANWAR],J.

m.asif/-